

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROSARIO FREGOZA ALVAREZ,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

**Criminal Case No. 2:09-CR-183 (1)
Civil Case No. 2:16-CV-806
Judge Alegnon L. Marbley
Chief Magistrate Judge Elizabeth P. Deavers**

ORDER

On May 24, 2019, the Magistrate Judge issued a *Report and Recommendation* ("R&R") recommending that the petition for a writ of habeas corpus be dismissed. (ECF No. 96.) Although the parties were advised of the right to file objections to the R&R, and of the consequences of failing to do so, no objections have been filed. Therefore, the R&R (ECF No. 96) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Pursuant to 28 U.S.C. § 2253(c)(1)(B) and Rule 11 of the Rules Governing Section 2255 Proceedings in the United States District Courts, the Court must determine whether to issue a certificate of appealability. Because Petitioner has waived the right to file an appeal by failing to file objections to the R&R, *see Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United States v. Walters*, 638 F. 2d 947, 950 (6th Cir. 1981), the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

Date: 6/13/19

**s/ Alegnon L. Marbley
ALEGENON L. MARBLEY
UNITED STATES DISTRICT COURT JUDGE**